

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT P. SMITH III, D-00615, )  
Plaintiff, ) No. C 10-4562 CRB (PR)  
vs. ) ORDER OF DISMISSAL  
STATE OF CALIFORNIA, et al., )  
Defendants. )  
\_\_\_\_\_ )

Per order filed on March 5, 2012, the court granted defendants' motion to dismiss plaintiff's pro se prisoner complaint alleging various violations of his federal and state rights while at California State Prison, Corcoran (CSP-COR) and while at Salinas Valley State Prison (SVSP), and gave plaintiff partial leave to amend to state a possible claim of inadequate medical care at SVSP. But the court made clear that failure to amend within 30 days of the order would result in the dismissal of this action.

More than 40 days have elapsed, yet plaintiff has not amended or even sought an extension of time to do so. The court notes that in another case of his, plaintiff managed to file ten handwritten pages complaining that his typewriter broke and that he is working long hours. None of the reasons therein excuse plaintiff's failure to amend or even seek an extension of time to do so in this case.

1           The instant action is DISMISSED. But in the interest of justice, the  
2 dismissal will be without prejudice to filing a new action regarding a possible  
3 claim of inadequate medical care at SVSP.

4           The clerk is directed to enter judgment in accordance with this order and  
5 to close the file.

6           SO ORDERED.

7           DATED: April 27, 2012

  
CHARLES R. BREYER  
United States District Judge